

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

5 KELVIN LANEIL JAMES,

Case No.: 2:25-cv-00082-ART-NJK

6 Plaintiff,

Order

7 v.

8 UNITED STATES OF AMERICA, *et al.*,

9 Defendants.

10

11 On January 13, 2025, *pro se* plaintiff Kelvin Laneil James, an inmate in the custody of High
12 Desert State Prison, filed a motion pursuant to 28 U.S.C. § 2255. Docket No. 1-1. Plaintiff has
13 neither paid the \$405 filing fee for this matter nor filed an application to proceed *in forma pauperis*.
14 See Docket No. 1.

15 The United States District Court for the District of Nevada must collect filing fees from
16 parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a
17 civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28
18 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the
19 court for leave to proceed *in forma pauperis*.” LSR 1-1. For an inmate to apply for *in forma pauperis*
20 status, the inmate must submit **all three** of the following documents to the Court: (1) a completed
21 **Application to Proceed *in Forma Pauperis* for Inmate**, which is pages 1–3 of the Court’s approved
22 form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**,
23 which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison
24 or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the**
25 **previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); LSR 1-2. *In forma pauperis* status
26 does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate
27 can pay the fee in installments. See 28 U.S.C. § 1915(b).

28

1
2 Accordingly, for the reasons stated above,

3 IT IS ORDERED that, **no later than February 17, 2025**, Plaintiff must either pay the full
4 \$405 filing fee or file a fully complete application to proceed *in forma pauperis* with all three
5 required documents: a completed application with the inmate's two signatures on page 3; a
6 completed financial certificate that is signed both by the inmate and the prison or jail official; and a
7 copy of the inmate's trust fund account statement for the previous six-month period.

8 IT IS FURTHER ORDERED that, if Plaintiff fails to timely comply with this order, this
9 action will be subject to dismissal without prejudice. A dismissal without prejudice allows Plaintiff
10 to refile the case with the Court, under a new case number, when Plaintiff can file a complete
11 application to proceed *in forma pauperis* or pay the required filing fee.

12 The Clerk of the Court is **INSTRUCTED** to send Plaintiff the approved form application to
13 proceed *in forma pauperis* for an inmate and instructions for the same and retain the motion, Docket
14 No. 1-1, but not file it at this time.

15 IT IS SO ORDERED.

16 DATED: January 17, 2025.

17
18 
19 NANCY J. KOPPE
20 UNITED STATES MAGISTRATE JUDGE
21
22
23
24
25
26
27
28